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Date: (Filing No. H- )

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 691, L.D. 977, Bill, “An Act To Restore Uniformity to the Maine Uniform Building and Energy Code”

Amend the bill by inserting after the enacting clause and before section 1 the following:

**Sec. 1. 10 MRSA §9721, sub-§§3 and 4**, as corrected by RR 2011, c. 1, §9, are repealed.

**Sec. 2. 10 MRSA §9722, sub-§6, ¶K**, as corrected by RR 2011, c. 1, §10, is amended to read:

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; and

**Sec. 3. 10 MRSA §9722, sub-§6, ¶L**, as corrected by RR 2011, c. 1, §11, is amended to read:

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council; and.

**Sec. 4. 10 MRSA §9722, sub-§6, ¶M**, as reallocated by RR 2011, c. 1, §12, is repealed.'

Amend the bill by striking out all of section 2 (page 1, lines 14 to 23 in L.D.) and inserting the following:

**Sec. 2. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is repealed.

**Sec. 3. 10 MRSA §9724, sub-§1-B**, as enacted by PL 2011, c. 505, §1, is amended to read:

**COMMITTEE AMENDMENT**

1           **1-B. Residents.** For the purposes of ~~subsections~~ subsection 1 and 1-A, "residents"  
2 does not include persons held at a correctional facility, as defined in Title 34-A, section  
3 1001, subsection 6, within the municipality.

4           **Sec. 4. 10 MRSA §9724, sub-§1-C** is enacted to read:

5           **1-C. Application; exemption.** The Maine Uniform Building and Energy Code  
6 applies statewide.

7           A. A municipality, regardless of size, may not adopt or enforce a building code other  
8 than the Maine Uniform Building and Energy Code.

9           B. Notwithstanding paragraph A, a municipality does not have to enforce the Maine  
10 Uniform Building and Energy Code if:

11                   (1) It does not employ a building official; or

12                   (2) It has voted to not comply with the Maine Uniform Building and Energy  
13 Code due to a lack of financial resources. The exemption provided in this  
14 subparagraph does not apply if the State provides the municipality with sufficient  
15 funding necessary to assist the municipality with the enforcement provisions  
16 specified in Title 25, section 2373.

17           **Sec. 5. 10 MRSA §9724, sub-§5**, as amended by PL 2011, c. 582, §1, is further  
18 amended to read:

19           **5. Exception.** This section does not prohibit the adoption or enforcement of an  
20 ordinance of any political subdivision that sets forth provisions for local enforcement of  
21 building codes. If such an ordinance does not provide for a process to appeal decisions  
22 made by building officials administering and enforcing ~~the Maine Uniform Building~~  
23 ~~Code, the Maine Uniform Energy Code~~ or the Maine Uniform Building and Energy  
24 Code, an appeal may be taken in the same manner as provided under Title 30-A, section  
25 4103, subsection 5. This section does not prohibit the adoption or enforcement of an  
26 ordinance of any political subdivision that sets forth the swimming pool fencing  
27 standards, without amendment, contained in Appendix G of the 2nd edition of the 2009  
28 International Residential Code.

29           A. The requirements of the Maine Uniform Building and Energy Code do not apply  
30 to:

31                   (1) Log homes or manufactured housing as defined in chapter 951;

32                   (2) Post and beam or timber frame construction; or

33                   (3) Warehouses or silos used to store harvested crops.

34           **Sec. 6. 10 MRSA §9724, sub-§6**, as enacted by PL 2011, c. 582, §2, is amended  
35 to read:

36           **6. Adoption by reference.** ~~The Maine Uniform Building Code, the Maine Uniform~~  
37 ~~Energy Code and the Maine Uniform Building and Energy Code~~ may be adopted by  
38 reference by a municipality as specified in Title 30-A, section 3003.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment is the minority report of the committee. This amendment provides  
5 that the Maine Uniform Building and Energy Code applies statewide and is the only  
6 building code that may be adopted or enforced in this State. As in the bill, a municipality  
7 of 2,000 or fewer residents is exempt from adopting or enforcing the Maine Uniform  
8 Building and Energy Code, but if such a municipality adopts a building code, it must be  
9 the Maine Uniform Building and Energy Code. This amendment allows a municipality to  
10 avoid enforcing the Maine Uniform Building and Energy Code if it doesn't employ a  
11 building official or if it votes to not enforce the code due to a lack of financial resources,  
12 unless the State provides sufficient funding to allow the municipality to provide for  
13 enforcement. This amendment repeals the current law that defines a separate uniform  
14 building code and uniform energy code and removes references to those separate codes.